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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,303	09/01/2007	Kiyoshi Fujiwara	127508	7072
25944 OLIFF & BERI	7590 01/25/201 RIDGE, PLC	EXAMINER		
P.O. BOX 3208	350	ADAMS, GREGORY W		
ALEXANDRIA, VA 22320-4850			ART UNIT	PAPER NUMBER
			3652	
			NOTIFICATION DATE	DELIVERY MODE
			01/25/2010	ELECTRONIC

## Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com jarmstrong@oliff.com

		Application No.	Applicant(s)			
Office Action Summary		10/590,303	FUJIWARA, KIYOSHI			
		Examiner	Art Unit			
		GREGORY W. ADAMS	3652			
Period fo	The MAILING DATE of this communication approximation ap	ppears on the cover sheet with the	correspondence address			
WHIC - Exter after - If NO - Failui Any r	ORTENED STATUTORY PERIOD FOR REPERIOD FOR REPERIOR IS LONGER, FROM THE MAILING Insions of time may be available under the provisions of 37 CFR 1 SIX (6) MONTHS from the mailing date of this communication. In period for reply is specified above, the maximum statutory period for reply within the set or extended period for reply will, by statute ply received by the Office later than three months after the mailed patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICATIO 1.136(a). In no event, however, may a reply be to d will apply and will expire SIX (6) MONTHS fro tte, cause the application to become ABANDON	ON. imely filed m the mailing date of this communication. IED (35 U.S.C. § 133).			
Status						
1)☑	Responsive to communication(s) filed on 31	December 2009				
-	Responsive to communication(s) filed on <u>31 December 2009</u> .  This action is <b>FINAL</b> .  2b) This action is non-final.					
′=	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
ا ا	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Dispositi	on of Claims	,,,,,,,,,,,				
		_				
	Claim(s) <u>1-19</u> is/are pending in the application.					
	4a) Of the above claim(s) is/are withdrawn from consideration.					
′—	5) Claim(s) is/are allowed.					
·	Claim(s) <u>1-13,15,17 and 18</u> is/are rejected.					
-	Claim(s) <u>14,16 and 19</u> is/are objected to.					
8)[_]	Claim(s) are subject to restriction and	or election requirement.				
Applicati	on Papers					
9)□ .	The specification is objected to by the Examir	ner.				
10) 🔲	The drawing(s) filed on is/are: a)  ac	ccepted or b) objected to by the	Examiner.			
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority u	ınder 35 U.S.C. § 119					
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some col None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No.</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>						
2)  Notic 3) Inforr	t(s) e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO/SB/08) r No(s)/Mail Date	4) Interview Summal Paper No(s)/Mail   5) Notice of Informal 6) Other:				

Art Unit: 3652

### Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 5, 7 & 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced, e.g. it doesn't begin a step with "providing" or "using" or some other —ing ending word that provides the active step. (Emphasis added.) Applicant is respectfully reminded that to be entitled to patentable weight in method claims, the structural limitations recited therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. See Ex parte Pfeiffer, 135 USPQ 31 (1961). Thus, the claims amount to the mere claiming of a use of a particular structure.

### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, 4-6, 8-9, 11-13 & 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusano (JP 2003-252448) (previously cited) in view of Harding (US 724,859), Franke (aka Weis et al.) (DE 20309047 U1) (previously cited; see US

Art Unit: 3652

2006/0243693 A1 for translation) and Grodzins (US 5,910,973) (previously cited).

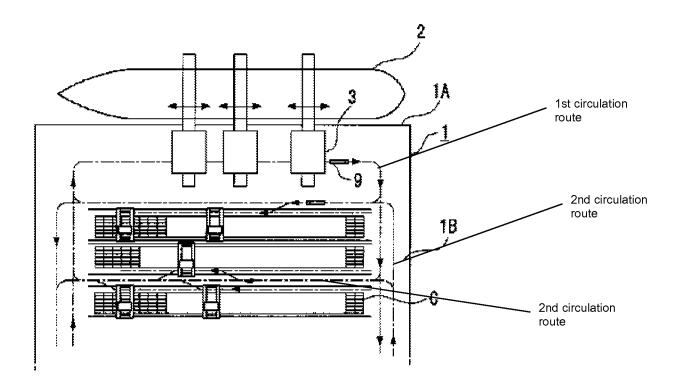
Kusano discloses a container cargo handling method comprising:

moving a container on an automated guided vehicle 10 in circulation along a
first circulation route (see FIG. 11 reproduced below) that is in a quay area
1a, 3where a container ship 2 anchors and where a container is transferred
to/from a ship;

- subjecting a container to inspection (FIG. 8) while a container is moving in circulation along a first circulation route in a quay area; and
- moving a container in circulation along a second circulation route (see FIG.
   11 reproduced below) between a quay area and a container stack yard C
   where a container is stored, wherein a container is moved from a quay area
   to a container stack yard C after subjecting a container to a inspection in a quay area.

Art Unit: 3652

# [図11]



Kusano does not disclose a first circulation route only in a quay area. Harding discloses electric carriers that traverse overhead tracks on docks and warehouses. Although disclosed differently electric carriers which run on tracks are vehicles, merely lacking automatic guidance. Harding discloses that "A represents the track system for loading or unloading steamers [e.g. vessels] or other vessels. The main track on which the telpher [e.g. vehicle] travels is indicated at a." P1/L28-34. Thus, "A" represents a quay area and "a" a first circulation route upon which vehicles traverse in loading/unloading ships. Harding discloses moving a container on a guided vehicle in circulation along a first circulation route a that is only in a quay area A where a ship anchors and where a

Art Unit: 3652

container is transferred to/from a ship, as per the teachings of Harding, such that "loading and unloading may be carrier on rapidly with the least possible labor and with but a single handling of the goods." P1/L50.

Franke discloses that container cargo is subjected to radiation inspection in a quay area which is particularly useful in harbors where containers are loaded into and unloaded from ships where a large number of containers is supposed to be loaded and unloaded quickly. Paras. [0001-0008]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus and method of Kusano to scan in a quay area, as per the teachings of Franke, to minimize ship docking time.

Grodzins discloses subjecting container cargo to radiation inspection 1, 3-5 and further discloses that "Container 6 may be self-propelled through beam 4 or may be pulled by a mechanized tractor, or by a conveyor of any sort." C2/L45. Finally, Grodzins discloses that radiation inspection "can be rapidly deployed in any location to inspect moving vehicles of any size to determine if their cargo container contains objects larger or heavier than a predetermined minimum." C2/L58. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus and method of Kusano to radiation inspect containers while carried by AGVs, e.g. self-propelled containers, because Grodzins' system is automatic, locatable anywhere along a container supply chain, i.e. portable, requires little power, are safe to humans and is able to handle small and very large vehicles or freight cars. C4/L40.

Art Unit: 3652

Franke discloses disadvantages of ground-based radiation inspection systems including (1) a separate reloading or transport process is required and (2) a corresponding shield to protect drivers or persons. Grodzins' ground-based system scans self-propelled vehicles such as Kusano's negating this disadvantage and further utilizes low power radiation means which are not harmful to humans. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus and method of Kusano to combine Franke's teaching of quay area radiation inspection with Grodzins' radiation inspection of AGV carried containers to achieve the predictable result of improving container throughput at a shipping port.

Claims 10 & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusano in view of Harding, Franke and Grodzins and further in view of Okubo (JP 09-156769 A) (previously cited). Kusano discloses a container transfer means that transfers containers between AGVs and storage stacks. Okubo discloses a container transferred between an automated guided vehicle 8 moving in circulation and a truck chassis 9 using a container transfer means 7. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus and method of Kusano to include a container transfer means that transfers containers between an AGV and truck chassis, as per the teachings of Okubo, "o smoothly and safely convey containers in a container terminal."

### Allowable Subject Matter

Art Unit: 3652

Claims 3, 7 & 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. For example rewrite "the container is transferred" in claim 3, line 2 as --transferring the container--; rewrite "wherein the container is moved" in claim 7, line 2 as --wherein moving the container--.

Claims 14, 16 & 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### Response to Arguments

Applicant's arguments filed Dec. 31, 2009 with respect to the June 21, 2009 restriction requirement have been fully considered but they are not persuasive. The restriction requirement was predicated on unity of invention which was addressed in the Sept. 3, 2009 office action; the restriction requirement was made final. Applicants next response should cancel non-elected species else it will be held nonresponsive.

Applicant's arguments with respect to claims 1, 4, 6, 8, 12 & 15 with respect to a circulation route that is "only in a quay area" have been considered but are moot in view of the new ground(s) of rejection. Harding discloses a circulation route "a" that is only in a quay area A.

#### Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 3652

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY W. ADAMS whose telephone number is (571)272-8101. The examiner can normally be reached on M-Th, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571) 272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3652

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory W Adams/ Primary Examiner, Art Unit 3652